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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

INFOSTREAM GROUP INC.,	)	Case No. CV 13-08434 DDP (AJWx)
	)	
Plaintiff,	)	<b>ORDER RE: SUPPLEMENTAL</b>
	)	<b>DECLARATION SHOWING DAMAGES</b>
v.	)	<b>CALCULATION</b>
	)	
AURELIAN TECH INNOVATIONS	)	
LLC; JULIA BIRO; JAMES	)	
HOMUTH,	)	
	)	
Defendants.	)	
_____	)	

Plaintiff's Motion for Default Judgment in this case requests actual damages in the amount of \$336,426, as well as attorneys' fees calculated, in part, as a percentage of that figure. Infostream submits, in support of this figure, a Declaration by Jeffrey Hamersly purporting to explain how the damages figure was arrived at.

However, the Court finds Mr. Hamersly's Declaration to be insufficient to form the basis of an award of damages. Although the Declaration describes Mr. Hamersly's method of approximating lost revenues, it does not provide any data to support Mr. Hamersly's conclusory statement that "there is a reasonable basis

1 to conclude that WhatsYourPrice.com experienced a measurable  
2 percentage decrease in new sessions" during the period the alleged  
3 infringer was operating.

4 The Court therefore orders Plaintiff to submit non-conclusory  
5 evidence showing actual damages, such as (but not limited to) any  
6 additional declarations, affidavits, or exhibits that would aid the  
7 Court's understanding. Such evidence shall be submitted no later  
8 than 4:00 p.m., Wednesday, September 24, 2014. Failure to submit  
9 such non-conclusory evidence will be considered a waiver of the  
10 claim for damages and attorneys' fees calculated therefrom.

11  
12 IT IS SO ORDERED.

13  
14  
15 Dated: September 19, 2014

  
DEAN D. PREGERSON  
United States District Judge